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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,168	09/30/2003	Peter H. Werner	03-AB-059 ALBR:0134/YOD	6796
7590	09/12/2005		EXAMINER KIM, SANG K	
Alexander M. Gerasimow Allen-Bradley Company, LLC 1201 South Second Street Milwaukee, WI 53204-2496			ART UNIT 3654	PAPER NUMBER

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/676,168	Applicant(s) WERNER ET AL.	
	Examiner SANG KIM	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-55 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Handwritten signature/initials*

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 31-34, 36 and 42-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Mochizuki et al. The device (and resulting method) of Mochizuki et al relates to a splicing apparatus that includes sensor 43 for sensing the lead end of the material on the new roll, various other sensors for determining the diameter (and thus of the trailing end of the expiring web) of the expiring roll and the roll speeds including rotation sensors for the rolls, to control the acceleration of the new roll to web speed and to control the splice and cutting operations, and a programmed sequencer 70 for inputting data and outputting control operation information. Both rolls are driven and braked according to predetermined data.

With respect to amended claims 31 and 36, Mochizuki explains that both of the clutches may not be in a connection state or a disconnection simultaneously, thus each roll has its own speed and the electromagnetic clutch is controlled so that torque may arise, see column 4, lines 50-65, and column 6, lines 22-45.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 15-30, 35, 37-41 and 44-55 rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki et al in view of Suzuki et al. While the Mochizuki et al reference does not include any tension control specifics it is old and well known in the art to provide tension control to a running web, especially after a splicing operation, and specifically it would have been obvious to control tension in the device of Mochizuki et al in view of the teaching Suzuki et al. Suzuki et al directly relates to tension control of a web during and after a splice operation and includes all of the claimed features set forth in the application relating to tension control, specifically that the new roll is driven to coincide with the rotational speed of the expiring web and after splicing is braked in a tension controlled manner, see column 9, paragraph beginning on line 53.

With respect to amended claims 1, 15 and 21, Suzuki explains each roll 3,4,5 is driven by any conventional roll driver which controls the speed of the roll and has the automatic tension control 18z.

### ***Response to Arguments***

Claim 14 has been canceled.

Claims 52-55 have been added.

Claims 1, 11-13, 15, 20-21, 31, 36, 44 and 50 have been amended.

Applicant's arguments filed 6/16/05 have been fully considered but they are not persuasive with respect to claims 11-14, 20, 22-26 and 29-51.

Applicant's arguments with respect to claims 1-10, 15-19, 21 and 27-28 have been considered but are moot in view of the new ground(s) of rejection set forth above.

The amended claims necessitated the new grounds of rejection.

With respect to amended claims 31, 36 and 44, Applicant argues that Mochizuki fails to teach controlling the motor 21 to oppose the rotation of the succeeding paper roll 3a, since the drive belts 12 and 13 are driven at identical speeds, see column 4, line 66-column 5, line 2. Therefore, the drive system of Mochizuki is incapable of opposing rotation of the succeeding paper roll 3a.

As explained above, Applicant is relying on a portion of the specification as recited in see column 4, line 66-column 5, line 2, Mochizuki explains the driving belts which are driven by the transmission of the rotary driving force of the driving motor 21 have the same circular motion speed. However, Mochizuki reference as a whole explains that both of the clutches may not be in a connection state or a disconnection simultaneously, thus each roll has its own speed and the belts are not driven at identical speeds at the beginning, see column 4, lines 50-65, and column 6, lines 22-45.

With respect to amended claims 1, 15 and 21, Suzuki explains each roll 3,4,5 is driven by any conventional roll driver which controls the speed of the roll and has the automatic tension control 18z, see column 9, paragraph beginning on line 53.

Applicants traverse and challenge the previous examiner's use of Official Notice taken in the previous office action.

The previous examiner did not take any Official Notice during the previous office action. Since both references are drawn to a web splicing device, the previous

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examiner merely stated that it is old and well known in the art to provide tension control to Mochizuki and provided Suzuki reference to teach tension control in combination with Mochizuki reference.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

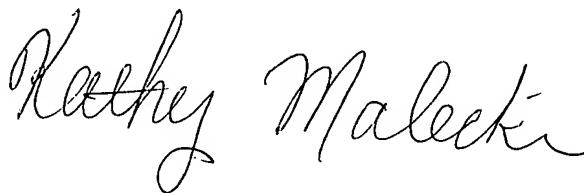
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

8/23/05

A handwritten signature in cursive script that reads "Kathy Matecki".

KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600